

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RITA LEMONS; dba EXPERTS ARE US	}	
INC; dba EXPERTS ARE US MEDICAL	}	
EQUIPMENT; dba EXPERTS ARE US	}	
LOVELY'S HOME CARE,	}	
	}	
Plaintiff,	}	
VS.	}	CIVIL ACTION NO. H-08-715
	}	
PALMETTO GBA, <i>et al</i> ,	}	
	}	
Defendants.	}	

OPINION & ORDER

Pending before the Court is Administration Centers for Medicare and Medicaid Service, Pamela Gadson, Mark Porter, Palmetto GBA, National Supplier Clearinghouse's ("Defendants") Supplement to Motion to Dismiss (Doc. 40), which incorporates by reference the arguments put forth by Defendant's Motion to Dismiss (Doc. 18). The Supplement was filed on August 13, 2008. Doc. 40. Pursuant to rule 7.3, the time for filing Plaintiff's responsive pleading was twenty days later, on September 2, 2008. This being March 4, 2009, that date has passed. Pursuant to Local Rule 7.1, "[f]ailure to respond will be taken as a representation of no opposition." Consequently, as Defendants' motion to dismiss is unopposed, the Court will grant it. The instant action is therefore DISMISSED WITHOUT PREJUDICE.

SIGNED at Houston, Texas, this 4th day of March, 2009.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE